



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,339	08/08/2000	Evan John Kaye	03092/100G844-US1	4215

7590

05/12/2006

Darby & Darby PC
805 Third Avenue
New York, NY 10022

EXAMINER

TRAN, QUOC A

ART UNIT	PAPER NUMBER
----------	--------------

2176

DATE MAILED: 05/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,339

Applicant(s)

KAYE, EVAN JOHN

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Amendment filed 09/02/2005.
2. Claims 1-24 are currently pending in this application. Claims 1, 6, 12 and 21 are independent claims.
3. 35 U.S.C. 101 rejection in regards to claims 1-24 has been withdrawn.
4. 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Independent claims 1-17 and 19-24** are rejected under 35 U.S.C. 103(a) as being unpatentable by Zhang et al. US 20020073098A1- Provisional No. 60/185,566 filed 02/28/2000 (hereinafter Zhang '566), in view of Fennell US005695400A - filed 06/30/1996 (hereinafter Fennell '400).

In regard to independent claim 1, inputting a voice clip of a portion of the song into a microphone connected to a client machine (Zhang '566 at pages 1-9, discloses a method and -system for searching music over the Internet based on melody

Art Unit: 2176

and rhythms input, the system is composed of database in a client and/or server program over the Internet, wherein an interface is provided for the user to input the melody. For example, user can record the music or his/her vocal singing with a microphone attached to a computer),

providing the voice clip to a server connected to the Internet (Zhang '566 at pages 1-9, discloses a method and system for searching music over the Internet based on melody and rhythms input, the system is composed of database in a client and/or server program over the Internet, wherein an interface is provided for the user to input the melody. For example, user can record the music or his/her vocal singing with a microphone attached to a computer, then sending and receiving to and from the Server program through a web browser (e.g. any standard communication protocols between web client and server)),

selectively providing further information relating to the song to the server (Zhang '566 at pages 1-9, discloses a method and system for searching music over the Internet based on melody and rhythms input, the system is composed of database in a client and/or server program over the Internet, wherein an interface is provided for the user to input the melody. For example, user can record the music or his/her vocal singing with a microphone attached to a computer, then sending and receiving to and from the Server program through a web browser (e.g. any standard communication protocols between web client and server)),

receiving at the client machine an electronic notification from the server that the song has been identified (Zhang '566 at pages 1-9, particularly at page 6 Returning the query result to the Client program, discloses some major function such as, The server

Art Unit: 2176

program dynamically generate HTML page based on the query result and send it back to client program using standard communication approaches between server and web client).

Zhang '566 does not explicitly teach, **making the voice clip and any further information available to a human visitor to the server**, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game challenge transmitted to the terminals over the network (e.g. Internet) may be audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in conventional fashion by a suitably programmed host computer of a kind well known in the art. The selection and programming of the host computer and the establishment of a suitable telecommunications connection to the network is a matter of routine for the skilled artisan) Examiner read the above in the broadest reasonable interpretation, wherein the voice clip and any further information and the server would have been an obvious variant of Name That Tune to a host computer, to a person of ordinary skill in the art at the time the invention was made,

permitting multiple human visitors to post the identification of the song to the server, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game challenge transmitted to the terminals over the network (e.g. Internet) may be

Art Unit: 2176

audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in conventional fashion by a suitably programmed host computer of a kind well known in the art. The selection and programming of the host computer and the establishment of a suitable telecommunications connection to the network is a matter of routine for the skilled artisan) Examiner read the above in the broadest reasonable interpretation, wherein to post the identification of the song to the server would have been an obvious variant of Name That Tune to the host computer, to a person of ordinary skill in the art at the time the invention was made,

receiving at the client machine as electronic notification from the server that the song has been identified, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game challenge transmitted to the terminals over the network (e.g. Internet) may be audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in conventional fashion by a suitably programmed host computer of a kind well known in the art. The selection and programming of the host computer and the establishment of a suitable telecommunications connection to the network is a matter of routine for the skilled artisan) Examiner read the above in the broadest reasonable

Art Unit: 2176

interpretation, wherein to post the identification of the song to the server would have been an obvious variant of Name That Tune to the host computer, to a person of ordinary skill in the art at the time the invention was made. Further more Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses the signals that are sent to the responding terminals encode one of two messages, which may be paraphrased respectively as "[This terminal] has control" and "[This terminal] is locked out", wherein the winning responding terminal gets control of the game for a stated period (e.g., until the user of that terminal takes a turn or a timeout expires, whichever occurs first), while all losing responding terminals lose control until the game returns to free-for-all mode) Examiner read the above in the broadest reasonable interpretation, wherein electronic notification from the server that the song has been identified would have been an obvious variant of Name That Tune to the host computer, wherein the signals that are sent to the responding terminals encode one of two messages, which may be paraphrased respectively as "[This terminal] has control" and "[This terminal] is locked out", wherein the winning responding to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Zhang '566 teaching provides the methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of the music taught by Zhang to include a means of making the voice clip and any further information available to a human visitor to the server, permitting multiple human visitors to post the identification of the song to the server and receiving at the client machine as electronic notification from the server that the song has been identified of Fennell '400. One of ordinary skill in the art would have been

Art Unit: 2176

motivated to modify this combination for enabling the public utilizing computer networks such as America On-line, to not just watching a game show "Name That Tune" or "Jeopardy" on a television; it is now possible for the public to participate in game shows on a personal computer. A player using a personal computer or other terminal connected to a computer network can compete with players using other terminals virtually anywhere in the world that is served by the network (as taught by Fennell at col. 1, line 10 through col. 7, line 5).

In regard to independent claim 6, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following and is similarly rejected along the same rationale,

Playing the voice clip at the client machine through speakers attach thereto (Zhang '566 at pages 1-9, discloses a method and system for searching music over the Internet based on melody and rhythms input, the system is composed of database in a client and/or server program over the Internet, wherein an interface is provided for the user to input the melody. For example, user can record the music or his/her vocal singing with a microphone attached to a computer, then sending and receiving to and from the Server program through a web browser (e.g. any standard communication protocols between web client and server), further discloses the operation to the computer sound device (see Zhang '566 at page 5 second paragraph)) Examiner read the client machine through speakers attach thereto would have been an obvious variant of the computer sound device (user interface), to a person of ordinary skill in the art at the time the invention was made,

awarding a benefit to the user for response provided that at least one predetermined criterion is satisfied, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game challenge transmitted to the terminals over the network (e.g. Internet) may be audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in conventional fashion by a suitably programmed host computer of a kind well known in the art. The selection and programming of the host computer and the establishment of a suitable telecommunications connection to the network is a matter of routine for the skilled artisan) Examiner read the above in the broadest reasonable interpretation, wherein to post the identification of the song to the server would have been an obvious variant of Name That Tune to the host computer, to a person of ordinary skill in the art at the time the invention was made. Further more Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses the signals that are sent to the responding terminals encode one of two messages, which may be paraphrased respectively as "[This terminal] has control" and "[This terminal] is locked out", wherein the winning responding terminal gets control of the game for a stated period (e.g., until the user of that terminal takes a turn or a timeout expires, whichever occurs first), while all losing responding terminals lose control until the game returns to free-for-all mode) Examiner read the above in the broadest reasonable interpretation, wherein awarding a benefit to the user would have been an obvious variant of Name That Tune to the host computer,

Art Unit: 2176

wherein the signals that are sent to the responding terminals encode one of two messages, which may be paraphrased respectively as "[This terminal] has control" and "[This terminal] is locked out", wherein the winning responding to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Zhang '566 teaching provides the methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of the music taught by Zhang to include a means of making the voice clip and any further information available to a human visitor to the server, permitting multiple human visitors to post the identification of the song to the server and receiving at the client machine as electronic notification from the server that the song has been identified of Fennell '400. One of ordinary skill in the art would have been motivated to modify this combination for enabling the public utilizing computer networks such as America On-line, to not just watching a game show "Name That Tune" or "Jeopardy" on a television; it is now possible for the public to participate in game shows on a personal computer. A player using a personal computer or other terminal connected to a computer network can compete with players using other terminals virtually anywhere in the world that is served by the network (as taught by Fennell at col. 1, line 10 through col. 7, line 5).

In regard to independent claim 12, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

In regard to independent claim 21, incorporate substantially similar subject matter as cited in claims 1 and 6 above, and is similarly rejected along the same rationale.

In regard to dependent claim 2, wherein the electronic notification includes a hypertext link to a predetermined page constructable by the server (Zhang '566 at pages 1-9, particularly at page 6 Returning the query result to the Client program, discloses some major function such as, The server program dynamically generate HTML page based on the query result and send it back to client program using standard communication approaches between server and web client).

In regard to dependent claims 3-5 and 7, incorporate substantially similar subject matter as cited in claim 6 above, and is similarly rejected along the same rationale.

In regard to dependent claim 8, incorporate substantially similar subject matter as cited in claim 6 above, and further view of the following, and is similarly rejected along the same rationale;

the plural voice clips comprising a playlist (Zhang '566 at pages 1-9, particularly at page 6 Returning the query result to the Client program, discloses some major function such as, The server program dynamically generate HTML page based on the query result and send it back to client program using standard communication approaches between server and web client).

In regard to dependent claim 9, incorporate substantially similar subject matter as cited in claim 6 above, and further view of the following, and is similarly rejected along the same rationale,

wherein the voice clips in the playlist are compiled for distribution to plural users, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game

Art Unit: 2176

challenge transmitted to the terminals over the network (e.g. Internet) may be audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus) Examiner read the above in the broadest reasonable interpretation, wherein distribute voice clips to plural users would have been an obvious variant of Name That Tune to the players terminal, to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Zhang '566 teaching provides the methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of the music taught by Zhang to include a voice clips in the playlist and are compiled for distribution to plural users of Fennell '400. One of ordinary skill in the art would have been motivated to modify this combination for enabling the public utilizing computer networks such as America On-line, to not just watching a game show "Name That Tune" or "Jeopardy" on a television; it is now possible for the public to participate in game shows on a personal computer. A player using a personal computer or other terminal connected to a computer network can compete with players using other terminals virtually anywhere in the world that is served by the network (as taught by Fennell at col. 1, line 10 through col. 7, line 5).

In regard to dependent claims 10-11, incorporate substantially similar subject matter as cited in claims 1 and 6 above, and further view of the following, and is similarly rejected along the same rationale;

including the additional step of deleting one or more voice clips from the database in response to at least one predetermined criterion, wherein the user has voice clips downloaded to the client machine which have not been previously downloaded to that use, Zhang '566 at pages 1-9, particularly at page 2, discloses user interface allow user to perform function such as, edit, replay, clear, re-enter and re-submit input).

In regard to dependent claims 13-16, incorporate substantially similar subject matter as cited in claims 1-2, 6 and 12 above, and are similarly rejected along the same rationale.

In regard to dependent claims 22-24, incorporate substantially similar subject matter as cited in claims 1 and 6 above, and are similarly rejected along the same rationale.

In regard to dependent claim 17, wherein the first user identification information is received automatically from the client machine upon accessing the server (Zhang '566 at pages 1-9, particularly at page 6 Returning the query result to the Client program, discloses some major function such as, The server program dynamically generate HTML page based on the query result and send it back to client program using standard communication approaches between server and web client).

In regard to dependent claim 19, wherein the first user identification information is received from the client machine in response to manual input by the first user (as taught by Zhang at page 3, paragraph [0037], till another object of the present invention is to provide a bi-directional connection is established between the Client Program and the Server Program and Java Applet and JavaScript in an HTML

Art Unit: 2176

page, wherein user may use one or many of the following ways of user interface to replay, edit, clear, re-enter and submit the input, the phrase “user input” is used here in the broadest sense to encompass the approach such as user manually input administrative data such as user name ,etc).

In regard to dependent claim 20, incorporate substantially similar subject matter as cited in claims 1 and 6 above, and is similarly rejected along the same rationale.

7. **Independent claim 18** are rejected under 35 U.S.C. 103(a) as being unpatentable by Zhang et al. US 20020073098A1- Provisional No. 60/185,566 filed 02/28/2000 (hereinafter Zhang ‘566), in view of Fennell US005695400A - filed 06/30/1996 (hereinafter Fennell ‘400), further in view of Lavanchy et al - US 20050101386A1- Continuation of 09/373,578 filed 08/13/1999 (hereinafter Lavanchy ‘386).

In regard to dependent claim 18, Zhang ‘566 and Fennell ‘400 do not explicitly teach, **the first user identification information is received automatically from a cookie stored on the client machine**, however (Lavanchy ‘386 at page 9, paragraph [00107] though page 10 paragraph [0125], discloses System and method for interactive game-play scheduled based on real-life events, wherein player’s login and registration process may use a browser to access a web page having various web pages. If a cookie is present and valid, a message may be displayed, such as welcoming a player and providing access to the web site. If a player selects to login as a different user (e.g., a person has more than one user name, or a different person is using someone else's computer), a cookie is deleted).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Zhang '566 teaching provides the methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of the music taught by Zhang to include a means of making the voice clip and any further information available to a human visitor to the server, permitting multiple human visitors to post the identification of the song to the server and receiving at the client machine as electronic notification from the server that the song has been identified of Fennell '400, further to include the first user identification information is received automatically from a cookie stored on the client machine of Lavanchy '386 teaching. One of ordinary skill in the art would have been motivated to modify this combination for enabling the public utilizing computer networks such as America Online, to not just watching a game show "Name That Tune" or "Jeopardy" on a television; it is now possible for the public to participate in game shows on a personal computer. A player using a personal computer or other terminal connected to a computer network can compete with players using other terminals virtually anywhere in the world that is served by the network (as taught by Fennell at col. 1, line 10 through col. 7, line 5, and further discloses by Lavanchy '386 at page 1 paragraphs [0001]-[0020], provides the advantages of real-life competition and allowing a plurality of players to be teamed together, based at least in part on player profiles, and matching teams of players against each other in a competition and to promote competition in the electronic games.

Response to Arguments

8. Applicant's arguments filed 02/15/2006 have been fully considered but they are not persuasive. The reason is set forth in the current Office Action cited above and further view of the following:

Brief description of cited prior arts:

Zhang discloses a methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of a piece of music, without the knowledge of any textual information of the music (see Zhang page 1 paragraphs [008]-[0011]).

Fennell discloses a methodology of managing user input and displaying outputs in a Multi-player game that is played on a plurality of terminals on a network, as such "JEOPARDY", "NAME THAT TUNE") (see Fennell at col. 1, line 35 through col. 2 line 45).

Lavanchy discloses a Internet based WWW interface system for allowing a plurality of players to electronically compete in contests against each other (see Lavanchy at page 1 paragraphs [0007]-[0010]) and utilizing cookies to ID users (see Lavanchy at page 9 paragraph [0107] through page 10 paragraph [0125]).

Response to Arguments:

Beginning on page 10 of the Remarks (hereinafter the remarks), Applicant argues the following issues, which are accordingly addressed below.

Applicant's arguments, on page 10 of the remarks that Zhang et al.'s system is to inform the user of the match, not a 'guest'.

The examiner respectfully disagrees. The examiner respectfully notes that **Zhang** discloses a methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of a piece of music, without the knowledge of any textual information of the music (see Zhang page 1 paragraphs [008]-[0011]); and further view of **Fennell** discloses a methodology of managing user input and displaying outputs in a Multi-player game that is played on a plurality of terminals on a network, as such "JEOPARDY", "NAME THAT TUNE") (see Fennell at col. 1, line 35 through col. 2 line 45).

Moreover, The examiner respectfully notes that the features upon which applicant relies "to inform the user of the match, not a 'guest'". Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments, on pages 11-13 of the remarks that Zhang in combination with Fennell do not teach an invention disclosure, but rather results in multi-players guessing at an unknown song for which there is no answer in the answer files (the same arguments are substantially repeated for independent claims 12 and 21 pending).

The examiner respectfully disagrees. The examiner respectfully notes that **Zhang** discloses a methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of a piece of music, without the knowledge of any textual information of the music (see Zhang page 1 paragraphs [008]-[0011]); and further view of **Fennell** discloses a methodology of managing user input and displaying outputs in a Multi-player game that is played on a plurality of terminals on a network, as such “JEOPARDY”, “NAME THAT TUNE”) (see Fennell at col. 1, line 35 through col. 2 line 45).

Moreover, The examiner respectfully notes that the features upon which applicant relies “results in multi-players guessing at an unknown song for which there is no answer in the answer files”. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefor the Examiner respectfully maintains the rejection of independent claims 1, 12, 21 for at least the reason cited above at this time.

Applicant’s arguments, on page 12 of the remarks that Zhang in combination with Fennell do not teach or suggest the method an invention disclosure independent claim 6.

The examiner respectfully disagrees. The examiner respectfully notes that independent claim 6, incorporate substantially similar subject matter as cited in claim 1

Art Unit: 2176

above, and further view of the following and is similarly rejected along the same rationale,

Playing the voice clip at the client machine through speakers attach thereto
(Zhang '566 at pages 1-9, discloses a method and system for searching music over the Internet based on melody and rhythms input, the system is composed of database in a client and/or server program over the Internet, wherein an interface is provided for the user to input the melody. For example, user can record the music or his/her vocal singing with a microphone attached to a computer, then sending and receiving to and from the Server program through a web browser, e.g. any standard communication protocols between web client and server), further discloses the operation to the computer sound device (see Zhang '566 at page 5 second paragraph);

Awarding a benefit to the user for response provided that at least one predetermined criterion is satisfied, however (Fennell '400 at col. 2, line 55 through col. 6, line 67, discloses a method of managing multiplayer game playing over the internet, The representation of the game challenge transmitted to the terminals over the network (e.g. Internet) may be audible or visual or both the game challenge may be, e.g., a question (or, as in JEOPARDY, an answer); a visually displayable puzzle; notes of a melody (as in "Name That Tune"); fragments of a quotation requiring players to answer with the complete quotation; or some other audio or visual stimulus. The game challenge may be transmitted in conventional fashion by a suitably programmed host computer of a kind well known in the art. The selection and programming of the host computer and the establishment of a suitable telecommunications connection to the network is a matter of routine for the skilled artisan), and also

Art Unit: 2176

Fennell at col. 4, line 65 though col. 5, line 20 also see FIG. 4, discloses the winning terminal may issue an "I won" signal indicating that its user has won the free-for-all phase and is taking a specified degree of control of the game as described in note 9. This information, received by the other terminals, may be displayed to the respective users of the other terminals.

Examiner read the above in the broadest reasonable interpretation, wherein **awarding a benefit to the user for response provided that at least one predetermined criterion is satisfied** would have been an obvious inheritance of one of the contestant would be a winner, which is an *Name That Tune* to issue an "I WON" signal indicating that its user has won the free-for-all phase as cited above to a person of ordinary skill in the art at the time the invention was made.

Therefor the Examiner respectfully maintains the rejection of independent claim 6 for at least the reason cited above at this time.

Applicant's arguments on page 14 of the remarks that Zhang in combination with Fennell and further view of Lavanchy do not render the obvious of claim 12;

The examiner respectfully disagrees. The examiner respectfully notes that **Zhang** discloses a methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of a piece of music, without the knowledge of any textual information of the music (see Zhang page 1 paragraphs [008]-[0011]); and further view of **Fennell** discloses a methodology of managing user input and displaying outputs in a Multi-player game that is played on a

Art Unit: 2176

plurality of terminals on a network, as such "JEOPARDY", "NAME THAT TUNE") (see Fennell at col. 1, line 35 through col. 2 line 45), and further view of **Lavanchy** discloses a Internet based WWW interface system for allowing a plurality of players to electronically compete in contests against each other (see Lavanchy at page 1 paragraphs [0007]-[0010]) and utilizing cookies to ID users (see Lavanchy at page 9 paragraph [0107] through page 10 paragraph [0125]).

Using the broadest interpretation of the above, the Examiner reads the above, wherein **the first user identification information is received automatically from a cookie stored on the client machine**, however (Lavanchy '386 at page 9, paragraph [00107] though page 10 paragraph [0125], discloses System and method for interactive game-play scheduled based on real-life events, wherein player's login and registration process may use a browser to access a web page having various web pages. If a cookie is present and valid, a message may be displayed, such as welcoming a player and providing access to the web site. If a player selects to login as a different user (e.g., a person has more than one user name, or a different person is using someone else's computer), a cookie is deleted).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Zhang '566 teaching provides the methodology and system to search music information over a computer network, especially the Internet, based on melody and rhythm of the music taught by Zhang to include a means of making the voice clip and any further information available to a human visitor to the server, permitting multiple human visitors to post the identification of the song to the server and receiving at the client machine as electronic notification from the server that the song has

Art Unit: 2176

been identified of Fennell '400, further to include the first user identification information is received automatically from a cookie stored on the client machine of Lavanchy '386 teaching . One of ordinary skill in the art would have been motivated to modify this combination for enabling the public utilizing computer networks such as America On-line, to not just watching a game show "Name That Tune" or "Jeopardy" on a television; it is now possible for the public to participate in game shows on a personal computer. A player using a personal computer or other terminal connected to a computer network can compete with players using other terminals virtually anywhere in the world that is served by the network (as taught by Fennell at col. 1, line 10 through col. 7, line 5, and further discloses by Lavanchy '386 at page 1 paragraphs [0001]-[0020], provides the advantages of real-life competition and allowing a plurality of players to be teamed together, based at least in part on player profiles, and matching teams of players against each other in a competition and to promote competition in the electronic games .

Therefor the Examiner respectfully maintains the rejection of dependent claim 18 for at least the reason cited above at this time.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2176

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is (571) 272-4103. The examiner can normally be reached on Monday through Friday from 9 AM to 5 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Herndon R. Heather can be reached on (571) -272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Quoc A. Tran
Patent Examiner
Technology Center 2176
May 03, 2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
5/10/2006